

## **REMARKS**

The Office Action dated June 15, 2005 has been fully considered by the Applicant.

Attached is a Request for Two-Month Extension of Time. Enclosed is a check in the amount of \$450 to cover the cost of the Extension.

The specification has been objected to for failing to identify the abbreviation SI. The specification has been amended to define "SI" as service information. The specification has been further amended to remove the reference that the SI data is denoted by \* in the diagram, as suggested by Examiner Hossain. The thorough examination of the specification by Examiner Hossain is gratefully appreciated.

Claims 1, 9 and 14 are currently amended. Claims 2-8, and 11-13 have been previously presented. Claim 10 has been canceled.

Claims 1-8, 12-13 have been rejected under 35 USC 102(b) as being anticipated by United States Patent No. 5,585,858 to Harper et al. Independent claim 1 has been currently amended and, therefore, Applicant respectfully requests reconsideration of the rejection.

Claim 1 has been currently amended to include a broadcast data receiver comprising at least two tuners, each tuner controllable to receive a user selectable data transmission independent of the other. The broadcast data receiver is arranged to generate an electric program guide having text and other display material which is generated on a display screen and which can act both as information for programs and services available to the user. Selection means are provided for those programs and services. The electronic program guide indicates to the user selectable options available for the particular program and/or on a particular channel such that the user can select to combine the data transmission from the first tuner with the data transmission from the at least second tuner using the

electronic program guide to provide a customized merged data output. These features are not taught or suggested in the Harper et al '858 patent and, therefore, Applicant believes currently amended claim 1 is novel over the '858 patent.

The '858 patent does not teach, as does Applicant's currently amended claim 1, using an electronic program guide to provide a customized merged data output by using a broadcast data receiver having at least two tuners and arranged to generate an electronic program guide having text and other display material which can act as both information and selection means for the programs and services available and can indicate to a user selectable options for a particular program and/or on a particular channel such that a user can select to combine the data transmission from the first tuner with the data transmission from the second tuner. Clearly, these features are novel over the '858 patent and, therefore, Applicant sincerely requests reconsideration of the rejection.

Claims 2-8, and 12 depend upon independent claim 1 and are believed to be novel over the cited references as stated herein.

Claim 14 has been rejected under 35 USC 102(e) as being anticipated by United States Patent No. 5,990,927 to Hendricks et al. Claim 14 has been currently amended and, therefore, Applicant respectfully requests reconsideration of the rejection.

Currently amended claim 14 includes an electronic program guide generated from data received from a broadcast data receiver at continuous or regular intervals comprises text and other display material which is generated on screen and which text can act both as information for programs and services which are available to the user and selection means to allow a user to select, typically using a remote control device, programs to watch and/or other functions relating to the use of the broadcast data receiver. The electronic program guide facilitates the user selection of

independently controllable tuners in the broadcast data receiver to allow merging of data transmissions relating to different channels or user selections to provide a customized output. These features are not taught or suggested in the '927 Hendricks et al patent and, therefore, Applicant respectfully requests reconsideration of the rejection.

The '927 patent to Hendricks et al discloses a conventional electronic program guide and a set top terminal which has two or more tuners in order to provide picture-on-picture capability, as described in Column 11, lines 24-37 and in Columns 32 and 33. Thus, according to Hendricks et al patent '927 there could be picture-on-picture on top of the electronic program guide data in the display screen. However, in Applicant's invention the electronic program guide facilitates the user selection of independently controllable tuners to allow merging of the data transmissions relating to different channels or user selections to provide a customized merged data output. That is, Applicant's invention enables the electronic program guide data itself to cope with data from the two different tuners and merges the data so as to provide a customized output. In contrast, the '927 patent merely displays two programs on the screen at one time and does not, as in Applicant's invention, merge the data from different tuners to provide a customized output. Clearly, Applicant's invention is novel over the '929 Hendricks et al patent and, therefore, Applicant respectfully requests reconsideration of the rejection.

Claims 7 and 9 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,585,858 to Harper et al in view of United States Patent No. 6,784,945 Norsworthy et al. Claims 7 and 8 depend upon currently amended claim 1 and, therefore, Applicant believes claims 7 and 8 are novel over the cited references as previously stated herein with reference to claim 1.

Claim 9 has been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,585,858 to Harper et al in view of United States Patent No. 6,820,278 to Ellis. Claim 9 depends on currently amended independent claim 1 and therefore is believed to be novel over the cited references for the reasons stated previously herein.

Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,585,858 to Harper et al in view of United States Patent No. 5,990,927 to Hendricks et al. Claim 10 depends on currently amended independent claim 1 and is therefore believed to be novel over the cited references for the reasons stated previously herein.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,585,858 to Harper et al. in view of United States Patent No. 5,990,927 to Hendricks et al. Claim 11 depends on currently amended independent claim 1 and therefore it is believed to be novel over the cited references for the reasons stated previously herein.

In summary, United States Patent No. 5,585,858 to Harper et al does not disclose the use of an electronic program guide as claimed in Applicant's invention and therefore does not anticipate the present claims. The combination of the '858 Harper et al patent and the '927 Hendricks et al patent would merely result in the application of a conventional electronic program guide to a dual tuner broadcast data receiver. This would result in the system as already disclosed in the '927 Hendricks et al patent. Applicant has developed a system for allowing different components from different streams of data to be merged in a single output using the electronic program guide. The additional functionality available to a user of Applicant's invention by way of an electronic program guide is significant when compared to the '858 Harper et al patent. The system disclosed in the '927 Hendricks et al patent would not work in accordance with Applicant's invention. Therefore,

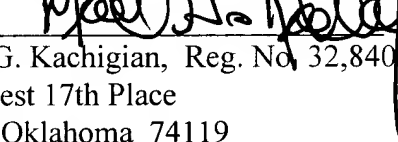
Applicant sincerely believes that the claims as currently amended are novel over the cited references and requests reconsideration of the rejections.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated: November 15, 2005

BY:   
Mark G. Kachigian, Reg. No. 32,840  
228 West 17th Place  
Tulsa, Oklahoma 74119  
(918) 587-2000  
Attorneys for Applicant